

**104TH GENERAL ASSEMBLY****State of Illinois****2025 and 2026****SB3699**

Introduced 2/5/2026, by Sen. Graciela Guzmán

**SYNOPSIS AS INTRODUCED:**

740 ILCS 23/5

740 ILCS 23/7 new

Amends the Illinois Civil Rights Act of 2003. Provides that the Act may be referred to as the Illinois Accountability Act. Provides that a person who claims to have suffered a deprivation of any rights, privileges or immunities under the Illinois Constitution because of acts or omissions of a public body or person acting on behalf of a public body, under color of, or within the course and scope of the authority of a public body may maintain an action to establish liability and recover compensatory damages, punitive damages, and injunctive relief. Provides that in any action filed under the Act, a public body or person acting on behalf of a public body does not enjoy the defense of qualified immunity for causing the deprivation of any rights, privileges, or immunities secured by the Illinois Constitution. Provides that if the plaintiff prevails in an action under the Act, the public body is liable for reasonable attorney's fees and other litigation costs. Provides that statutory immunities and limitations on liability, damages, or attorney's fees do not apply to claims brought under the Act. Provides that an action filed under the Act that is pending does not abate upon the death of the plaintiff or defendant. Provides that a judgment awarded under the Act against a person acting on behalf of a public body, under color of, or within the course and scope of the authority of the public body is to be paid by the public body. Provides that the State does not have sovereign immunity for itself or any of its political subdivisions against claims brought the Act. Provides that if there is any conflict between the Act and any other law of this State, the amendatory Act controls.

LRB104 17105 JRC 30524 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. References to Act. This Act may be referred to  
5 as the Illinois Accountability Act.

6 Section 5. The Illinois Civil Rights Act of 2003 is  
7 amended by changing Section 5 and by adding Section 7 as  
8 follows:

9 (740 ILCS 23/5)

10 Sec. 5. Discrimination prohibited.

11 (a) No unit of State, county, or local government in  
12 Illinois shall:

13 (1) exclude a person from participation in, deny a  
14 person the benefits of, or subject a person to  
15 discrimination under any program or activity on the  
16 grounds of that person's race, color, national origin, or  
17 gender; or

18 (2) utilize criteria or methods of administration that  
19 have the effect of subjecting individuals to  
20 discrimination because of their race, color, national  
21 origin, or gender.

22 (b) Any party aggrieved by conduct that violates

1 subsection (a) may bring a civil lawsuit, in a federal  
2 district court or State circuit court, against the offending  
3 unit of government. Any State claim brought in federal  
4 district court shall be a supplemental claim to a federal  
5 claim. This lawsuit must be brought not later than 2 years  
6 after the violation of subsection (a). If the court finds that  
7 a violation of paragraph (1) or (2) of subsection (a) has  
8 occurred, the court may award to the plaintiff actual damages.  
9 The court, as it deems appropriate, may grant as relief any  
10 permanent or preliminary negative or mandatory injunction,  
11 temporary restraining order, or other order.

12 (c) Upon motion, a court shall award reasonable attorneys'  
13 fees and costs, including expert witness fees and other  
14 litigation expenses, to a plaintiff who is a prevailing party  
15 in any action brought:

16 (1) pursuant to subsection (b); or

17 (2) to enforce a right arising under the Illinois  
18 Constitution.

19 In awarding reasonable attorneys' fees, the court shall  
20 consider the degree to which the relief obtained relates to  
21 the relief sought.

22 (d) For the purpose of this Section ~~Act~~, the term  
23 "prevailing party" includes any party:

24 (1) who obtains some of his or her requested relief  
25 through a judicial judgment in his or her favor;

26 (2) who obtains some of his or her requested relief

1 through any settlement agreement approved by the court; or  
2 (3) whose pursuit of a non-frivolous claim was a  
3 catalyst for a unilateral change in position by the  
4 opposing party relative to the relief sought.

5 (Source: P.A. 95-541, eff. 1-1-08.)

6 (740 ILCS 23/7 new)

7 Sec. 7. Cause of action for a violation of State  
8 constitutional rights by public body.

9 (a) As used in this Section:

10 "Public body" means all legislative, executive,  
11 administrative, or advisory bodies of the State, State  
12 universities and colleges, units of local government, school  
13 districts, any subsidiary bodies of any of the foregoing,  
14 including but not limited to, committees and subcommittees  
15 thereof, and a School Finance Authority created under Article  
16 1E of the School Code as defined by Section 2 of the Freedom of  
17 Information Act.

18 "Government employee" means an individual person or  
19 persons employed or contracted by a public body.

20 (b) (1) A public body or person acting on behalf of a public  
21 body, under color of or within the course and scope of the  
22 authority of a public body may not deprive any resident of  
23 Illinois or person within the State of any rights, privileges,  
24 or immunities secured under the Illinois Constitution.

25 (2) A person who claims to have suffered a deprivation of

1 any rights, privileges, or immunities under the Illinois  
2 Constitution because of acts or omissions of a public body or  
3 person acting on behalf of a public body, under color of, or  
4 within the course and scope of the authority of a public body  
5 may maintain an action to establish liability and recover  
6 compensatory damages, punitive damages, and injunctive relief.

7 (3) The cause of action created under this Section is  
8 against a public body only. An individual government employee  
9 may not be found financially liable for a violation of this  
10 Act.

11 (4) The remedies provided for in this Section are not  
12 exclusive and are in addition to any other remedies provided  
13 by law.

14 (5) This Section applies to all causes of actions that  
15 arisen after the effective date of this amendatory Act of the  
16 104th General Assembly.

17 (c) In any action filed under this Section, a public body  
18 or person acting on behalf of a public body, under color of, or  
19 within the course and scope of the authority of a public body  
20 does not enjoy the defense of qualified immunity for causing  
21 the deprivation of any rights, privileges, or immunities  
22 secured by the Illinois Constitution.

23 (d)(1) In any proceeding in which a plaintiff's claim  
24 prevails, the public body is liable for reasonable attorney's  
25 fees and other litigation costs. Reasonable attorney's fees  
26 include services provided by an attorney on a pro bono basis.

1       (2) A plaintiff prevails if the plaintiff obtains any  
2 relief the plaintiff seeks in the complaint, whether the  
3 relief is obtained by judgment, settlement or, the public  
4 body's voluntary change in behavior.

5       (e) (1) Statutory immunities and statutory limitations on  
6 liability, damages, or attorney's fees do not apply to claims  
7 brought under this Section.

8       (2) An action filed under this Section that is pending  
9 does not abate upon the death of the plaintiff or defendant.

10       (f) (1) Notwithstanding any other law, for any contract or  
11 agreement enacted after the effective date of this Act, a  
12 court's finding that a government employee violated a right  
13 under the Illinois Constitution is per se evidence that the  
14 public body has just cause for terminating the employment of  
15 that employee.

16       (2) The public body's termination of a contract,  
17 agreement, or employment with that government employee does  
18 not affect the public body's liability under this Section.

19       (g) A judgment awarded under this Section against a person  
20 acting on behalf of the public body, under color of, or within  
21 the course and scope of the authority of the public body is to  
22 be paid by the public body. The State does not have sovereign  
23 immunity for itself or any of its political subdivisions  
24 against claims brought under this Section.

25       (h) Each public body must maintain a record of all final  
26 judgments and settlements paid by the public body for claims

1 made under this Section and include a copy of the complaint to  
2 each record.

3 (i) If there is any conflict between this Section and any  
4 other law of this State, this Section controls.